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OFFICE OF PETITIONS
ON PETITION

In re Application of :
Kathryn R. Nightingale :
Application No. 10/680,073 :
Filed: October 6, 2003 :
Attorney Docket No. 5405-293 :

This is a decision on the petition under 37 CFR 1.10©) filed January 20, 2004, requesting that the above-identified application be accorded a filing date of October 6, 2003.

Petitioner alleges that the application was deposited in Express Mail service on October 6, 2003. In support, on January 20, 2004, petitioner supplied a copy of Express Mail receipt No. EV353592440US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label is blank but the USPS post mark is October 6, 2003.

A review of the Office PALM records also reveals that this application was previously accorded a filing date of October 6, 2003. Therefore, the present petition is unnecessary and will be **DISMISSED** as involving moot issues.

A corrected Filing Receipt is enclosed for petitioner's convenience.

The application is being forwarded Technology Center 3737 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undesigned Petitions Attorney at (703) 305-4497.

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

Attachment: Corrected Filing Receipt